IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Bail Appl..No. 4902 of 2007()

CMP.2676/2007 of J.M.F.C.-I, CHENGANNUR
CRIME NO.273/07 OF CHENGANNUR POLICE STATION

.....

PETITIONER/ACCUSED NO.3

JAYAN, S/O. GOPALAN ACHARY, AGED 28,
VALIYATHOPPIL PUTHEN VEEDU, PERUMALA MURI,
KADAPRA VILLAGE.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J

B.A. NO. 4902 of 2007

Dated this the 16th day of August, 2007

ORDER

Application for regular bail. The petitioner is the 3rd accused. He faces allegations under Sec.392 read with Sec.34 of the IPC. It is alleged now that he was involved in an incident of chain snatching which took place on 11/2/07. The victim had not made a prompt complaint. Long later, the petitioner was arrested in another crime at another Police Station on 14/5/07. Interrogation of the petitioner allegedly revealed his complicity in the crime which took place on 11/2/07 which had not been reported to the police at all. Accordingly, the present crime has been registered. The petitioner has been shown as arrested in the crime on 26/5/07. He thus continues in custody from 14/5/07.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Except the alleged confession statement of the petitioner, there is absolutely

nothing to point to the alleged complicity of the petitioner. The learned counsel for the petitioner submits that, after arresting the petitioner in some other case, an attempt is made to place blame for all undetected crimes in the locality on the shoulders of the petitioner. No recovery whatsoever has been effected to point to the complicity of the petitioner in the alleged crime. In these circumstances and in any view of the matter, the petitioner who has remained in custody from 14.5.07/26.5.07 may now be directed to be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application; but, in response to a specific query, concedes that no recovery has been effected in this case which can help the court to establish the nexus between the incidents which took place on 11/2/07 and the petitioner. No crime has been initially registered. I am, in these circumstances, satisfied that the petitioner, who has remained in custody from 26/5/07, can now be directed to be released on bail subject, of course, to appropriate conditions.

4. <u>In the result:</u>

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following

terms and conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) The petitioner shall not leave the Sessions Division of Alappuzha until further orders without prior permission of the learned Magistrate.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge